

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JAMES MOLLET,

Plaintiff,

v.

Case No. 16-CV-1145

CITY OF GREENFIELD,

Defendant.

MOTION TO EXTEND DEADLINE TO FILE A NOTICE OF APPEAL

James Mollet, by his Attorney, Chris Donovan, hereby moves the Court for an order to extend the deadline to file a notice of appeal by 28 days under Fed. R. App. P. 4(a)(5) for good cause shown. As and for support for this motion, undersigned counsel shows to the Court as follows:

1. Mr. Mollet filed a complaint against the defendant alleging age discrimination (this claim was later voluntarily dismissed) and retaliation for opposing discrimination in the workplace. *See* Docket Entry 1. On August 23rd, 2018, Magistrate Judge Duffin recommended that summary judgment be granted for the defendant against Mr. Mollet, *see* Docket Entry 42, and on October 23rd, 2018, this Court entered an order and judgment granting summary judgment for the defendant. *See* Docket Entries 45 and 46.
2. Mr. Mollet's current deadline under Fed. R. App. 4(a)(1)(A) to file a notice of appeal is November 23rd, 2018 (the day after Thanksgiving), but undersigned counsel will be out of town starting November 21st for the holiday and will

have to file the notice of appeal on November 20th (one week from today) should this motion not be granted.

3. Undersigned counsel makes his appearance today and was recently hired by Mr. Mollet to conduct a file review to determine the merits of an appeal. The record is voluminous, consisting of over 50 docket entries including several deposition transcripts, affidavits, lengthy proposed findings of fact, briefs by both sides relating to summary judgment, Judge Duffin's 18-page order recommending summary judgment be granted for the defendant, and several other documents and materials.
4. In the interest of judicial economy should Mr. Mollet ultimately decide not to pursue an appeal after counsel has adequate time to review the record and discuss the merits of an appeal with him, he moves for an additional 28 days to file his notice of appeal under Fed. R. App. P. 4(a)(5)(C).
5. Undersigned counsel spoke with counsel for the defendant, William Ehrke, yesterday to get his position on this request. He said he would have to speak with his client before relating his position and that he would not be able to do so by the time undersigned counsel wished to file this motion on today's date. Given the short time period between today's date and when undersigned counsel would have to file the notice of appeal a week from today as related above, he is filing this request without obtaining the defendant's formal position.
6. Undersigned counsel does not believe that granting the request would prejudice the defendant because either Mr. Mollet will ultimately decide not to

pursue an appeal in which case the judgment will stand, or he will pursue one, in which case the defendant will have even more time to ready itself for an appeal and receive Mr. Mollet's opening brief.

For all these reasons, Mr. Mollet asks for an additional 28 days to file his notice of appeal under Fed. R. App. P. 4(a)(5)(C), to and including December 21st, 2018.

Respectfully submitted at Milwaukee, Wisconsin this 13th day of November, 2018.

/s/ _____
Chris Donovan
Bar No. 1055112
Counsel for Plaintiff
Pruhs & Donovan, S.C.
757 N. Broadway, 4th Floor
Milwaukee, WI 53202
Tel: 414-221-1950
Fax: 414-221-1959